

MIDDLE DISTRICT OF  
ALABAMA  
UNITED STATES ATTORNEY'S  
OFFICE, LECC NEWSLETTER  
April, 2003

Volume 1, Issue 2

# **LAW ENFORCEMENT COORDINATING COMMITTEE , MIDDLE DISTRICT OF ALABAMA**

## **Bringing Law Enforcement Together**



### ***A Message From the U. S. Attorney Laura Garrett Canary***

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The past several months have been busy and successful for the United States Attorney's Office for the Middle District of Alabama. Our success has been due to the unprecedented cooperation and assistance of our law enforcement colleagues at the federal, state and local levels. That cooperation and support has been especially valuable in two of our highest priority missions: the war on terrorism and Alabama ICE, our effort to reduce gun violence in this district.

To assist with the war on terrorism our office hired Jeff Mattox as our Intelligence Officer. Jeff has 19 years of experience in military intelligence and most recently served as Director of Intelligence for 22<sup>nd</sup> Air Force at Dobbins Air Reserve Base, GA. We are indeed fortunate to

have someone of his expertise here on staff. Jeff is currently working on an effective way for the Antiterrorism Task Force to gather and store intelligence and has established a 24-hour toll-free Law Enforcement Terrorism Tip Line (1-877-896-3890) on which law enforcement officials may report suspicious activities. Jeff is also working with the FBI to establish a Joint Terrorism Task Force in the Middle District. Steve Feaga, one of our most experienced prosecutors, works with Jeff as the Antiterrorism Coordinator.

We have also made great strides in Alabama ICE. As of the first of April, we have indicted a total of approximately 90 ICE cases from at least eight different counties in the District. In the first half of

FY 2003-04, we have indicted over twice as many ICE cases as in the entire prior fiscal year. The majority of these cases have been resolved by guilty pleas and have resulted in significant prison sentences. Recently, Chief John Wilson of the Montgomery Police Department attributed a 12% decrease in violent crime in the City of Montgomery since the first of the year to the effects of Alabama ICE prosecutions. Our research partner in this endeavor, Troy State University, has begun to collect gun crime data in the district to establish a benchmark from which we can measure the impact of the program. Our media partner, Montgomery Area United Way, has plans underway for

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### **PROJECT SAFE NEIGHBORHOODS & ALABAMA ICE: REMOVING VIOLENT CRIMINALS FROM OUR STREETS QUICKLY!**

**By: Verne Speirs, Assistant United States Attorney**

The Middle District of Alabama uses its Alabama ICE (Isolate the Criminal Element) initiative to investigate and prosecute the district's gun crimes. To that end, the task force concentrates its efforts on dangerous criminals. In conjunction with community leaders, the Alabama ICE task force consists of federal, state and local agencies.

The federal, state and local members of the task force include the Bureau of Alcohol Tobacco and Firearms, the Federal Bureau of Investigation, the Drug Enforcement Administration, United States Marshals Service, the Alabama Attorney General's Office, the Alabama Board of Pardon and Paroles, the Montgomery Police Department, the Dothan Police Department, the Montgomery Housing Authority Police, the Montgomery County Sheriff's Office, the District Attorney for the 15<sup>th</sup> Judicial Circuit (Montgomery County) and the City of Montgomery Mayor's Office.

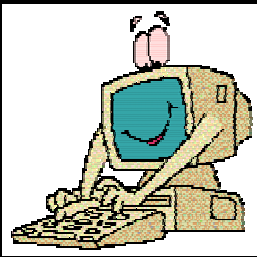
Alabama ICE has also affiliated with other community leaders, including the City of Montgomery Weed and Seed, the Montgomery Area United Way, Troy State University, Montgomery Business Watch, Montgomery Neighborhood Watch and the Montgomery Police Department Community Policing Division.

The members of this broad task force set the agenda for Alabama ICE and provide direction for its overall success. On the operational level, the task force consists of a Prosecution Review Team (PRT) that reviews cases for prosecution and an Investigative Team that concentrates the resources of local, state, and federal agencies. These teams scrutinize all cases that involve guns and analyze the federal nexus. The U.S. Attorney's Office has made an elaborate effort to reach out to local law

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## Middle District of Alabama's New Web Site

[WWW.USDOJ.GOV/USAO/ALM](http://WWW.USDOJ.GOV/USAO/ALM)



Have you ever found yourself looking for that training or conference, but misplaced our newsletter or perhaps you are wondering who the particular contact person is within the United States Attorney's office? These questions and more can be found on the new Middle District of Alabama's website. The site includes current press releases, links to numerous other law enforcement agencies both state and federal, a listing of state and local law enforcement officials in each area of the district, a map of all counties within the district and of course, the latest addition of the LECC newsletter. Please bookmark the site for quick reference.

Do you have legal questions? In addition to giving you the contact person within the United States Attorney's Office, the site also provides reference links free sites such as to the Eleventh Circuit Court of Appeals, Alalinc (a State of Alabama Resource directory) the Department of Justice, First Gov, the Library of Congress and more. The LECC link provides quick access to Victim Witness information, LECC conferences and the latest versions of the LECC newsletter. The Project Safe Neighborhoods link will take you directly to the national site where you will find up to date information regarding the initiative at your fingertips. Last but not least, the site describes our Legal Intern Volunteer Program as well as a DOJ Kids website link. Please visit us soon. As always we welcome your comments and suggestions regarding the information you find useful and productive.

## Asset Forfeiture News Sharing the Benefits of Successful Prosecution

By: John Harmon,  
Assistant United States  
Attorney,  
Asset Forfeiture Division

### Equitable Sharing And Certification

The Asset Forfeiture Unit of the United States Attorney's Office For The Middle District Of Alabama is eager to assist the state and local law enforcement agencies of our district in any aspect of the Federal Asset Forfeiture Program. There are two areas of the Program however where your agency has primary responsibility and where problems can significantly hinder participation in the Program. Each area is discussed below.

### What Is Equitable Sharing?

Equitable sharing is the process whereby state and local law enforcement agencies are rewarded for their participation in investigations that ultimately result in federal forfeiture. For example, a police department assists DEA in a criminal investigation of illegal drug activity. If that investigation leads to the forfeiture of assets, then the department could receive a percentage of those forfeited funds.

### Why Is Equitable Sharing So Important?

The Department of Justice and the U.S. Attorney's Office want to encourage cooperation among federal, state, and local law enforcement agencies in the fight against crime. Therefore, when joint investigations lead to the forfeiture of assets, a portion of those funds are shared with the law enforcement agencies to be used by them for continuing law enforcement purposes.

### Who Is Eligible to Receive Sharing?

The U.S. Attorney's Office oversees sharing for DOJ cases (i.e., DEA, FBI, USPS). Sharing for treasury agencies (i.e., IRS, USCS, USSS) is handled by the Department of the Treasury. The Asset Forfeiture and Money Laundering Section in Washington DC defines a "law enforcement agency" as follows:

A LAW ENFORCEMENT AGENCY is a state or local government organization authorized to engage in as its primary function the investigation and apprehension or the prosecution of individuals

suspected or convicted of offenses against the criminal laws of the United States or of any State, county, municipality, or Territory of the United States, and which is primarily composed of or employs individuals designated or qualified under state statute as peace officers or who are authorized by state statute to prosecute criminal violations or to exercise police powers such as making arrests, seizing property, executing warrants and court orders, and carrying firearms.

Equitable sharing should be confined to those agencies which primarily perform activities, investigate and prosecute crimes, and which primarily have a workforce of individuals designated under state law as peace officers.

## *U.S. Attorney's Office: Meet and Greet the Legal Team*



Leading the charge for the United States Attorney's Office Criminal Section is **Louis V. Franklin, Sr., Chief, Criminal Division**. Louis is a resident of Montgomery, Alabama. Mr. Franklin earned an Associate of Arts Degree in Pre-Law from Chattahoochee Valley Community College in Phenix City, Alabama, a Bachelor of Arts Degree in Criminal Justice from the University of Alabama as well as a Master of Science Degree in Justice and Public Safety from Auburn University in Montgomery. He earned a Juris Doctorate from Howard University School of Law, located in Washington, D.C. Louis has a wealth of experience which he brings to the United States Attorney's Office. He has litigated hundreds of cases, both civil and criminal and is known for being quick on his feet in the courtroom. He began his career as a Staff Attorney for Legal Services and has also practiced with one of Alabama's largest firms in private practice. Louis was sworn in as an Assistant United States Attorney in 1990 where he has prosecuted almost every kind of Federal offense. In 1991, Louis became the lead attorney for the Organized Crime Drug Enforcement Task Force (OCEDEF). The OCEDEF task force is responsible for the prosecution of multi-defendant drug trafficking organizations who have an identifiable structure and whose activities extend beyond the geographical boundaries of the Middle District of Alabama. In September 2001, Louis was appointed as Chief of the Criminal Division.

Louis is happily married to the former Lucretia Herndon, a school teacher and they are the proud parents of two bright children.

When he isn't in the office (which is rare) Louis can be found at the gym working out. Louis is a seasoned and accomplished attorney and a strong mentor to those who work with him.



**Kenneth E. Vines, Chief, Civil Division** is also from Montgomery, Alabama and has provided leadership to the United States Attorney's Office in the Middle District for many years. Ken Vines received a Bachelor of Science Degree in Business Administration from the University of Alabama in 1960 and his law degree from the University of Alabama School of Law in 1965. Ken also brings to his position a wealth of knowledge and experience.

He began his career with a prestigious private law firm in Montgomery known as Ball and Ball, where he handled a wide variety of civil and criminal matters in state and federal courts at both the trial and appellate levels. Ken was also formally an Assistant General Counsel, Alabama Department of Industrial Relations. Duties included handling litigation in both state and federal courts and before other state agencies; rendering advice and legal opinions to various divisions and boards of the department.

Ken was first sworn in as an Assistant United States Attorney in 1971 and currently serves as Senior Litigation Counsel and Chief of the Civil Division. The Civil Division consists of five Assistant United States Attorneys and eleven support personnel. The Civil section is primarily responsible for handling all civil matters of the office which includes defense of all suits brought against the United States, its agencies and employees; prosecution of affirmative civil suits and civil rights suits; prosecution of civil enforcement proceedings on behalf of various federal agencies; collection of debts owed the United States and representation of the United States and its agencies in bankruptcy matters. He is a member of the Alabama Bar Association; Montgomery County Bar Association; Member of the Administrative Board of the First United Methodist Church.

# Points of Contact for Your United States Attorney's Office

The attorneys and professionals within the United States Attorneys office wear many different hats. In addition to general prosecution, the following points of contact are available to assist law enforcement officers with prosecutions that may involve federal crimes and the United States Attorney's Office. Each can be reached at (334)223-7280.

**Anti-terrorism:** Stephen P. Feaga  
**Criminal Enforcement:** Louis V. Franklin, Criminal Chief  
**Violent Crime:** Susan R. Redmond  
**Project Safe Neighborhoods:** Verne H. Speirs  
**Narcotics Enforcement:** Terry F. Moorer and Todd Brown  
 (includes Organized Crime Drug Enforcement Task Forces (OCEDEF) actions)  
**High Intensity Drug Trafficking (HIDTA):** Todd A. Brown  
**Corporate Economic Crime:** Matthew S. Miner  
**Health Care Fraud (Criminal and Civil) :** Tommie B. Hardwick  
**Bankruptcy Fraud:** William A McAbee  
**Computer and Telecommunications Crime:** Todd A. Brown  
**Child Exploitation and Obscenity:** Tommie B. Hardwick  
**Civil Rights Enforcement:** William A. McAbee  
**Environmental Law Enforcement:** J.B. Perrine  
**Civil Litigation:** Kenneth E. Vines  
**Affirmative Civil Enforcement:** R. Randolph Neeley  
**Debt Collection:** Patricia Allen Conover  
**Border and Immigration Law Enforcement:** R. Randolph Neeley

## Other points of contact:

**Weed and Seed:** John Cloud  
**Asset Forfeiture Coordinator:** John T. Harmon  
**Appellate Contacts:** J.B. Perrine, Criminal Section  
 Martha Ann Miller, Civil Section  
**National Security Coordinator:** Stephen P. Feaga  
**Media/ Press Secretary:** Retta Goss  
**FOIA / Privacy Act:** Kent B. Brunson  
**Special Emphasis Program Manager:** Linda Langford  
**Ethics Advisor:** Kenneth E. Vines  
**Training:** Linda Langford  
**ATTF Chief Information Officer:** John Cloud  
**District Office Security Manager:** Les Brown  
**District Election Officer:** Kent Brunson  
**Victim Witness Coordinator:** Jacqueline Vickers

## Wit and Wisdom?

Joe, a farmer was suing a trucking company for injuries sustained in an accident. In court, the company's fancy lawyer was questioning Farmer Joe.

"Didn't you say, at the scene of the accident, 'I'm fine'?" said the lawyer. Joe responded, "Well, I'll tell you what happened. I had just loaded my favorite mule Bessie into the...."

"I didn't ask for any details," the lawyer interrupted.

"Just answer the question. Did you not say, at the scene of the accident, 'I'm fine'?"

Joe continued, "Well, I had just got Bessie into the trailer and I was driving down the road...."

The lawyer interrupted again and said, "Judge, I am trying to establish the fact that, at the scene of the accident, this man told the Highway Patrolman that he was just fine. Now, several months after the accident, he is suing my client. I believe he is a fraud. Please tell him to simply answer the question."

But the judge was interested in Farmer Joe's story and said to the lawyer, "I'd like to hear what he has to say about his mule Bessie."

Joe thanked the judge and proceeded. "Well, as I was saying, I had just loaded Bessie, my favorite mule, into the trailer and was driving her down the highway when this huge semi-truck and trailer ran the stop sign and smacked my truck right in the side.

"I was thrown into one ditch and Bessie was thrown into the other. I was hurting real bad and didn't want to move. However, I could hear ole Bessie moaning and groaning. I knew she was in terrible shape just by her groans. "Shortly after the accident a highway patrolman came on the scene. He could hear Bessie moaning and groaning so he went over to her. After he looked at her, he took out his gun and shot her between the eyes. Then the patrolman came across the road with his gun in his hand and looked at me.

"He said, 'Your mule was in such bad shape I had to shoot her. How are you feeling?'"

## GOT NEWS?

If your agency has news you believe would be of interest, please contact Julia Weller or John Cloud at julia.weller@usdoj.gov or john.cloud@usdoj.gov. Although our space is limited, we are always looking for topics of interest throughout the district including successful prosecutions, amazing war stories, broad based training opportunities and conferences and transitions such as retirements and promotions. Please feel free to contact us!



## Traffic Stops : What Every Officer Should Know

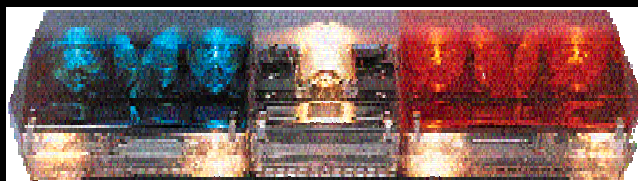
By: Rand Neeley, Assistant United States

In the inaugural issue of the LECC's newsletter, Assistant United States Attorney Terry F. Mooror spotlighted the actions of Alabama State Trooper Jesse Peoples. Trooper Peoples' thoughtful actions during the course of a routine traffic stop were the first step in unraveling a criminal enterprise which stretched from Philadelphia, PA to Mexico. While Trooper Peoples' quick action, asking for consent to search the vehicle, turned a traffic stop into the first step of a prosecution involving 5,000 pounds of marijuana, every law enforcement officer has the same opportunity to nix criminal activity when they encounter persons they believe to be engaged in criminal activity.

In the familiar and oft-cited case of Terry v. Ohio, 392 U.S. 1(1968), the United States Supreme Court held that law enforcement officers may stop an individual they reasonably believe to be involved in criminal activity. While this authority to briefly detain, question and possibly pat-down a suspect constitutes an exception to the 4<sup>th</sup> amendment's probable cause standard, it does not give law enforcement carte blanc authority to stop persons on nothing more than a guess, hunch or curiosity that criminal activity has or is about to take place. To perform a lawful Terry stop, an officer must be able to identify specific and articulable facts from which a rational inference can be drawn that criminal activity has occurred or is about to occur. Like all methods of search and seizure, Terry stops are a powerful tool that can be effective in the war on crime; they are also subject to an ever evolving body of law that can be a trap to the unwary.

Although the constitutionally acceptable Terry stop requires officers to identify specific and articulable facts, the Supreme Court has held that it is the "totality of the circumstances" by which the officer's judgment of reasonable suspicion and his actions thereafter will be judged. As recently as this year, the Supreme Court reaffirmed that the inference derived from the totality of the circumstances, not the inferences that could be drawn from each and every individual fact standing alone, is the standard to be applied in determining the legality of a Terry stop. Furthermore, the Court stated, "[t]his process allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that 'might well elude an untrained person.'" United States v. Arizu, 534 U.S. 266 (2002). In other words, when viewing all the circumstances involved in a situation, officers can utilize their training, experience and special knowledge in evaluating the possibility of criminal activity, even if those facts would not lead John Q. Public to suspect criminal activity.

The limited pat down authority of Terry must be based on a reasonable belief that the person stopped poses a threat to the officer or other persons. This search must be limited to a search for weapons and can not be used to search for evidence of criminal activity. Evidence uncovered as a result of a search for weapons is not, however, tainted and is admissible in any subsequent prosecution. As the search must be premised upon the officer's right to protect himself and others, he/she must be able to identify specific facts which war-



rant a reasonable officer to believe the suspect is armed. In this regard "the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger."

In sum, acting upon reasonable, specific facts, which in light of their training, experience and specialized knowledge lead them to believe criminal activity is afoot, officers may briefly detain a person for further investigation. Pursuant to that right, officers may perform a limited pat down search for weapons if they have a reasonable belief the suspect is armed. Like Trooper Peoples, an officer's extra effort to act may lead to the recovery of valuable information and thwart the on-going, never-ending activities of those who choose to live outside the law.

## Training Opportunities and Conferences

### Law Enforcement Coordinating Committee, District Wide Conference

May 8-9, 2003, Opelika, Alabama Topics to include:

Vehicle Stops—Exigent Circumstance  
Searches—Legal Roadblocks

Is A Green Card Really Green?  
Forms of Alien Identification

Intelligence Sharing

Firearm Recovery & Detection  
Techniques

State and Local Investigations with  
Federal Prosecution

For more information contact John Cloud at  
john.cloud@usdoj.gov

### Alabama Associate of Chiefs of Police Conference

May 21-23 2003, Dothan Alabama, Ramada Inn  
(Blue Canyon.) Call 334-673-9084 for reservations.

## Alabama Ice: Success Stories, removing violent criminals off the street

enforcement in the Montgomery County metropolitan area, and other parts of the District, to offer assistance. Members of the Alabama ICE Task Force have presented their program to hundreds of local law enforcement officials at the annual state-wide LECC conference. Alabama ICE's diverse efforts in the Middle District of Alabama have led to an increase in federal prosecutions and an impressive collaborative effort between local, state, and federal agencies. By combining law enforcement resources, the Alabama ICE task force has concentrated on prosecuting and removing chronic criminal offenders from within the District. These offenders are channeled to the U.S. Attorney's Office where more substantial sentences can be obtained through federal adjudication. As a result, there has been a substantial increase in the number of referrals from outlining communities, which "indicates a burgeoning interest in what Alabama ICE can do to help communities," stated Assistant U.S. Attorney Verne Speirs.

The task force recently "ICEd" Dewon Williams, who was indicted for violating 18 USC §922(g)(1), Felon in Possession of a Firearm. Feeling cheated after a game of dice that took place in April 2002, Williams fired his .45 caliber pistol at another player and sparked a gun battle in a public housing unit. One of the bullets shattered the glass of a near-by store-front, hitting a four year-old girl in the stomach and severely wounding her. As a convicted felon, Williams was immediately identified by the task force for federal prosecution. As a result of the task force's hard work, Williams is currently facing a 72-month prison sentence. Quick federal prosecution removed Dewon Williams from the community. Without federal action, Williams would have remained "at large" pending state prosecution.

The task force also "ICEd" Kruger Atkinson, from Washington State, who had been previously convicted of child molestation. While pursuing allegations of molesting his grandchildren, the Houston County Sheriff's Department conducted a search of Atkinson's home and found several guns. Atkinson was convicted of child molestation in state court, and through the work of the task force, he has agreed to plead guilty to being a Felon in Possession of a Firearm. Removing a predator like Atkinson from the community helps secure the safety and health of young people.

The Middle District of Alabama is working to export Alabama ICE from Montgomery County, the outset of the program, to surrounding areas. The U.S. Attorney's ultimate goal is to have similar task forces in every county of the district. Moving forward with this plan, the U.S. Attorney is coordinating with law enforcement in every jurisdiction, targeting areas where statistics indicate high rates of gun crime. According to United States Attorney Leura Canary, "My Office will continue to aggressively prosecute federal gun violators. We have dedicated substantial resources to Alabama ICE and expect to have a very meaningful impact on crime rates with the Middle District of Alabama. Alabama ICE's success thus far is due to the collaborative efforts of our federal, state, and local law enforcement partners. Working together through Alabama ICE, we will remove armed criminals for our communities. I am proud of the task force's accomplishments and look forward to continuing our record of successful prosecutions." Alabama ICE's success is apparent in that it recognizes the benefit of collectivizing federal, state, and local resources to address the problems that violent criminals present to the community. **Contact Information:** U.S. Attorney's Office of the Middle District of Alabama Assistant U.S. Attorney, Verne Speirs, One Court Square, Suite 201, Montgomery, AL 36104, (334) 223-7280 [verne.speirs@usdoj.gov](mailto:verne.speirs@usdoj.gov)

## AUSA, TOMMIE BROWN HARDWICK WINS NATIONAL DIRECTORS AWARD

Tommie Brown Hardwick was nominated and received one of the highest honors within the Department of Justice, a National Directors award, for her work in United States v. Pusztai, a complicated health care fraud prosecution. By way of background, Ms. Hardwick is a veteran prosecutor who gained extensive experience with the Montgomery County District Attorney's Office prior to joining the United States Attorney's office in 1998. Since joining the United States Attorney's, Ms. Hardwick consistently has been one of the most hardworking and enthusiastic members of the criminal, health care fraud litigation team. She was assigned the Pusztai case which normally would have required a team of lawyers. The case was comprised of an entire room of documents, including over 50 bankers

boxes, and it encompassed material and evidence involving several states and two countries, the United States and Australia. This healthcare fraud scandal involved thousands of prescriptions of Viagra being sold over the internet without personal doctors appointments. Ms. Hardwick oversaw the investigation and tried the case to a conclusion which resulted in two guilty verdicts. This action was the first of its kind setting national precedent. Ms. Hardwick's dedication demanded countless hours of time over many months. It was not uncommon for Ms. Hardwick to put in 100 hours of overtime. Congratulations to Ms. Hardwick for this well deserved award.



### Jeffery Mattox

Jeffery Mattox joins the US Attorney's office as the new Intelligence Research Specialist. He is a native of Clay Co. Alabama and received a bachelor's degree, majoring in Criminal Justice, from Auburn University in 1983. At Auburn, he attended ROTC and received a commission with the US Air Force after graduation in 1983.

Jeffery Mattox has 19 years of experience in the intelligence career field with the US Air Force. His experience includes a wide range of duties working with all the major national intelligence agencies and with local law enforcement agencies not only here in the U.S. but also in several countries abroad. Most recently, he served as Director of Intelligence for 22<sup>nd</sup> Air Force at Dobbins Air Reserve Base, GA.

He has been married to his lovely wife, Teresa, for twenty years and has a son, Chris, age 14. The Middle District has an active ATTF in the State thanks to Jeffrey's efforts. He is always available working hard to collect and share information with local law enforcement. This District is extremely fortunate to have someone with Jeffrey's experience, skill and knowledge.

Jeffrey may be reached by calling 334-223-7280 or by e-mail to [jeffrey.mattox@usdoj.gov](mailto:jeffrey.mattox@usdoj.gov)

## FIGHTING TERRORISM IN ALABAMA: THE ANTI-TERRORISM TASK FORCE BY: JEFFERY MATTOX

### Anti-Terrorism Task Force

Many of you may be wondering what does the Anti-Terrorism Task Force (ATTF) do and how is it different from the Joint Terrorism Task Force (JTTF)? The ATTF is a multi-agency, federal, state and local law enforcement initiative led by the U.S. Attorney's Office. This task force will be part of a national network that will coordinate the dissemination of information and the development of investigative and prosecutive strategy throughout the country. The function of the ATTF is to establish and coordinate procedures and relationships to facilitate the timely flow of information for the purpose of preventing potential or actual terrorist operations. The ATTF will also serve as a conduit for the flow of information about suspected terrorist between the federal and local agencies. Intelligence sharing, training, policy review and problem solving are just some of the ATTF's lifeblood. The ATTF is the intelligence-gathering/information sharing group and the JTTF is the terrorism investigative organization led by the FBI.

The mission of the JTTF is to investigate terrorist organizations planning or carrying out criminal acts occurring in the U.S. and to apprehend individuals committing such violations. The JTTF's membership is restricted to select federal, state, and local law enforcement agencies.

I have been hired by the U.S. Attorney's office as an intelligence specialist (see bio on left) to assist in gathering and coordinating law enforcement intelligence and to facilitate intelligence information flow between the Dept. of Justice, U.S. Attorney's Office, and federal, state, and local agencies. Intelligence Specialists are new to the U.S. Attorney's office, so please communicate with our office if you have questions concerning our terrorism prevention and information sharing mission.

### United States Department of Justice Center for Domestic Preparedness Training

Some months ago the Department of Justice's Center for Domestic Preparedness (CDP) at Ft. McClellan, Alabama was asked to develop a course of training designed to provide law enforcement with information relating to the investigation of terrorist incidents. The CDP developed a program which gives line officers and their supervisors the tools they need to safely respond to major incidents, protect the public from further injury, and preserve the crime scene. Last month several members of the Middle District of Alabama's Anti-Terrorism Task Force previewed the actual course for the purpose of critiquing the training. All of those who attended felt the course was extremely useful and recommended everyone who could should attend.

The CDP has presented this training to Alabama's law enforcement community on November 15-18, 2002, December 1-4, 2002 and February 19-22, 2002.

Each of these sessions were provided to the first 40 registrations received and is open to the entire state. The CDP housed and fed the students at the Ft. McClellan facility and mileage for non-governmental vehicles was paid by the CDP.

The United States Attorney recommends this training to everyone in the Middle District however we realize that is not feasible for everyone to attend. Because of the limited space available, the CDP will teach each participant how to take the training back to their department and conduct the training themselves. For this reason, each department should consider training their own trainers to this course. **Continued Page 8**

## CDP Terrorism Training (cont'd)

An application and the schedule for the sessions scheduled for April can be found on our web site at <http://www.usdoj.gov/usao/alm/>. Please consider taking advantage of this opportunity. The upcoming dates for this training are: 4/15/ 2003—Eufaula—Beville Center and 4/16/ 2003—Andalusia, Lurleen B. Wallace Jr. College 8a.m.-5p.m.

## FOND FAREWELLS AND TRANSITIONS



**Charles R.  
Niven  
First Assistant  
United States  
Attorney,  
Retires**

Charles R. Niven, First Assistant United States Attorney for the Middle District of Alabama an-

nounced his retirement effective January 3, 2002. Charlie has provided 26 years of federal public service. Charlie, a Mississippi native, came to Alabama in September, 1966, after graduating from Mississippi State University, to learn to fly at Craig AFB in Selma. He left the Air Force in 1971 as a Captain and after serving a tour in Viet Nam.

In 1974, Charlie graduated from the University of Alabama School of Law and served as a Law Clerk to Judge L. Charles Wright, Alabama Court of Civil Appeals. He then worked as an Estate Tax Attorney for the Internal Revenue Service for two years before being appointed an Assistant United States Attorney in this District on August 30, 1976. He has served in both the Criminal and Civil Divisions of the Office and has served as Chief of the Criminal Division as well as First Assistant United States Attorney. In 2001, he served as the Interim United States Attorney. The United States Attorney's office is grateful to Charlie for his leadership and invaluable service. Those who have worked with him will miss his in depth knowledge and his litigation expertise. He has been both a successful litigator and mentor. We will also miss his famous peanut brittle that he always brings on special occasions. As Thurgood Marshall once said "None of us has gotten where we are solely by pulling ourselves up from our own bootstraps. We got here because somebody bent down and helped us." Thank you Charlie for your leadership, knowledge and incredible service. You will be sorely missed.



**Auburn  
Police  
Department**

### **Chief Ed Downing Retires; Frank deGraffenried, becomes Acting Chief of Police**

Auburn Police Chief Ed Downing retired from his position effective mid-October. Chief Downing, who had been the Chief since 1987, accepted a position in airport security with the federal government.

In a letter accepting Chief Downing's retirement notice, City Manager Doug Watson stated, "Your leadership has led to an outstanding record for the Police Division in serving the Auburn community." Leura Garrett Canary, United States Attorney, said at Chief Downing's retirement ceremony, "Chief Downing's input on the Middle District's Law Enforcement Coordinating Committee will be missed. His cooperative nature has been of great value to LECC." Chief Downing served on the LECC under three United States Attorneys and was selected chairman of the Committee in 1998.

Captain Frank deGraffenried was appointed Acting Chief upon Chief Downing's retirement. Captain deGraffenried has been with the City of Auburn as a police officer since February 1977. He is a graduate of Auburn University and the FBI National Academy. In addition, he serves as campaign chair for this year's Lee County United Way. We look forward to working with Chief deGraffenried, "Buddy" to his friends, as he continues the professional standards of the Auburn Police Department.





## RISS.NET AND ROCIC ADVANCED TECHNOLOGY FOR COMMUNICATION AND SHARING INFORMATION BETWEEN LOCAL, STATE AND FEDERAL LAW ENFORCEMENT

By: Julia Jordan Weller  
First Assistant United States Attorney

The Regional Organized Crime Information Center is an organization of law enforcement agencies in the southeastern and southwestern United States, Puerto Rico and the U.S. Virgin Islands working together to combat multi-jurisdictional criminal activities. The ROCIC networking system is supported in part by the Department of Justice. Membership is available only to law enforcement individuals by application.

Headquartered in Nashville, Tennessee, ROCIC was created in 1973 to serve as a vehicle for the collection, evaluation, analysis, dissemination and storage of intelligence regarding the multi-jurisdictional activities for the wide spectrum of organized crime. Member agencies are represented throughout all levels of government- municipal, county parish, judicial district, state and federal. ROCIC offers a variety of services to its members, including automated, centralized law enforcement database with nationwide connectivity using Internet technology, intelligence analysis, bulletins and publications, surveillance equipment, loans, confidential funds, long-distance call patching and law enforcement and officer safety training.

Member agencies have used ROCIC services to recover more than 1.8 billion in stolen property and narcotics-related assets. Additionally, more than 40,000 arrests have been made through utilization of ROCIC information.

The backbone of the program is RISS Nationwide Intelligence network, a secure state of the art, web based service that links over 600 agencies. Authorized law enforcement members have access to the RISS Intel Databases, the RISS Gang National Gang Database, the RISS Leads Investigative Leads Bulletin board and the Regional RISS Center's secure Intranet web services. The RISS network has been tested and awarded a certificate of security for the exchange of intelligence information. The site is exclusively for law enforcement and extremely secure. It contains more than 23 fire walls.

### **The ROCIC website are some of the many features offered to law enforcement:**

**ROCIC Contacts :** ROCIC staff members

**RISSINTEL Database:** Find or submit suspects of a web based nationwide system. Intelligence information can take any individual, where an active criminal investigation is in place and search that individual's name among public records databases across the worldwide web. A detailed report is provided giving the individual's property interests, business interests and affiliations, possible relative information, executive affiliations, automobile ownership and various other public record information.

**RISS Gang Database:** Nationwide system used to track criminal gangs and their members.

**RISSLeads Bulletin Board** - Investigators post messages and share information with each other. For example, if an agency has one piece of information which reports suspicious activity, such as officer in Florida reports an individual is taking flying lessons to operate aircraft but requested "no instruction regarding landing the aircraft." This is a fact which may be important to law enforcement in other jurisdictions. The database is searchable by key word query.

**CIU Inquiry/Bulletin Submission-** Law enforcement may submit database information and obtain Bulletin articles directly from the website

**RISS TechPage-** This page gives the latest alerts on Internet viruses, hoaxes

**Law Enforcement Internet Links:** This page provides thousands of Internet links to law enforcement resources and agencies

**Officer Safety Deconfliction-** This page assists law enforcement in avoiding agency overlap. For example, if two agencies are unknowingly working on the same narcotics investigation, RISSNET assists in connecting the agencies with one another.

**Homeland Security and Anti-Terrorism News-** This page provides the latest information regarding the war on terrorism

**Search Bulletin Articles**

**Publications** and reference Library.

**Training Announcements**

**Technical Services Unites:** Loaning specialized surveillance equipment at no charge

**Webmail-** Riss.net provides secure e-mail services

**Search for ROCIC Member Investigators** in various jurisdictions

**Most Wanted Fugitives**

**Computer Security Information**

RISSNET can be used for every kind of action including narcotics, gang activity, kidnapping, child security issues, gun traffick-ing and more. Membership requirements can be provided by Tom Wright who can be contacted at 1-800 -238-7985.

## Project Safe Neighborhoods Quick Reference to Federal Firearms Laws

### I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON:

**18 USC § 922(g)** - Punishable by up to 10 years imprisonment. Pursuant to 18 USC § 924(e), may receive minimum sentence of 15 years without parole if offender has 3 or more prior convictions for a felony crime of violence (e.g. burglary, arson, extortion, assault) and/or drug trafficking felony.

#### Elements

- A. **Knowing possession or receipt** of a firearm or ammunition;  
 B. By a subject who falls within one of the following categories:

**Felon**— (Additionally, persons awaiting trial on felony charges are prohibited from **receiving** firearms);  
 See 18 USC § 922(n);

**Drug user or addict**— Interference or current use may be shown by evidence of recent use or possession or pattern of use or possession that reasonably covers the present time (e.g., positive drug test; conviction for use or possession within past year.);

**Alien** - Includes *illegal aliens* and *non-immigrant aliens*. This provision does not prohibit an alien with a “green card” from possessing guns or ammunition. NOTE: certain exceptions in 18 USC § 922(y);

**Person adjudicated as mental defective or committed to mental institution;**

**Person subject to a domestic retraining order**—The order must prohibit specific conduct against an intimate partner or a child the intimate partner or person subject to the order and must have been issued after a hearing of which the subject was notified and at which the subject had an opportunity to participate. The order must also find the subject poses a credible threat to the physical safety of the intimate partner or child described above or must prohibit the use, attempted use, or threatened use of physical force.;

**Person with a prior misdemeanor conviction for domestic violence** The prior conviction must be for a crime which has an element the use or attempted use of physical force or the threatened use of a deadly weapon. It must have been committed by someone in a specific domestic relationship with the victim (e.g. spouse or former spouse, partner, parent, or guardian). The subject must have been represented by counsel or waived that right and if entitled to a jury trial, had a jury trial or waived that right.;

**Fugitive from justice**— Fled any state to avoid being prosecuted or to avoid testifying in any criminal proceeding.;

or  
**Person dishonorably discharged from the military;** AND  
 C. The firearm or ammunition was transported across a state line at any time. (Defendant need not have transported the firearm or known of its transportation across state lines.)

### II. KNOWINGLY SELL, GIVE OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES:

**18 U.S.C. § 922(d)**. Punishable by up to 10 years imprisonment.

### III. USE, CARRY OR POSSESS A FIREARM IN RELATION TO OR IN FURTHERANCE OF A FEDERAL DRUG FELONY OR A FEDERAL CRIME OF VIOLENCE:

**18 USC § 924 (c). 18 USC § 924(j)**. Punishment ranges from **at least 5 years** up to life imprisonment, without parole, or **death** if death results from use of firearm. Sentence to imprisonment must be served **consecutive** to any other sentence. Mandatory minimum sentence increases depending upon: **the type of firearm involved** (short-barreled rifle or shotgun, silencer, etc.); **whether it is a second or subsequent offense**; and **whether gun was brandished or discharged**.

### IV. STOLEN FIREARM, AMMUNITION OR EXPLOSIVE:

A. **18 USC § § 842(h); 922(i) & (j)**. Punishable by up to 10 years imprisonment. May not knowingly transport or ship in interstate commerce or receive, possess, conceal, pledge or accept as security for a loan any **stolen firearm, ammunition or explosive** which has moved in interstate commerce.

B. **18 USC § 922(u)**. Punishable by up to 5 years imprisonment. May not willfully steal or unlawfully take or carry away a firearm that has been shipped or transported in interstate commerce **from the person or premises of a firearms licensee**.

### V. FIREARM IN A SCHOOL ZONE:

**18 USC § 922 (q)(2),(3)**. Misdemeanor offense punishable by up to 5 years imprisonment. Generally, may not **possess or discharge** a firearm (that has moved in interstate commerce) in a school zone.

### VI. KNOWINGLY POSSESS OR MANUFACTURE CERTAIN FIREARMS:

Various offenses punishable by up to 5 or 10 years imprisonment, depending upon specific violation.

A. **26 USC § 5861**. Generally unlawful to make or possess **any unregistered machine gun** or any part designed or intended exclusively for use in converting a weapon into such weapon, **firearm, silencer, sawed-off shotgun or rifle** which meet specific length criteria, **or destructive device** (as defined in 26 USC § 5845 (see also **18 USC § 922(o)**): generally unlawful to possess or transfer all machine guns made on or after May 19, 1986;

B. **18 USC § 922 (v)**. Generally unlawful to manufacture, transfer, or possess **semi-automatic assault weapon** manufactured after Sept. 13, 1994; OR

C. **18 USC § 922(k)**. Generally unlawful to possess or receive any firearm that has moved in interstate commerce which **lacks a serial number** or contains an **altered or obliterated serial number**.

## **VII. SELL, DELIVER OR TRANSFER FIREARM OR AMMUNITION TO A JUVENILE:**

A. **18 USC § 922(x)(1).** Punishable by up to 1 year imprisonment unless transferor had reason to believe juvenile would commit crime of violence with gun or ammunition, then up to 10 years imprisonment. May not sell, deliver or transfer a handgun or handgun-only ammunition to a **person who is under the age of 18;**

B. **18 USC § 922(x)(2).** A person under age 18 may not possess a handgun or handgun only ammunition; (NOTE: Certain exceptions apply to A&B, such as where a juvenile possesses written permission of a parent.);

C. **18 USC § 922(b).** Punishable by up to 5 year imprisonment. A **firearms licensee** may not sell any gun or ammunition to anyone under the age of 18 and may not sell a handgun or handgun ammunition to a **person under the age of 21.**

## **FORFEITURE OF FIREARMS, AMMUNITION**

**& EXPLOSIVES:** Firearms, as defined below, involved the aforementioned violations, or violations of firearms registration or tax laws may be forfeited by ATF. Firearms involved in drug violations may be forfeited by other federal agencies. Both civil and criminal forfeiture are available. Civil forfeiture does not require federal prosecution. An agency must give notice of proposed civil forfeiture within 60 days of a federal seizure and within 90 days of a State or local seizure. To meet these deadlines, a State or local agency generally must refer a firearm seizure to a federal agency for administrative or civil forfeiture within 30 days of the seizure by the State or local agency. Contact the federal agency forfeiture staff immediately upon seizure, even if the firearm is needed as evidence in a criminal case.

## **TRACING OF FIREARMS:**

Firearms information for **every firearm** taken into police custody should be sent to ATF for tracing and possible connection to other criminal activity.

## **DEFINITION OF "FIREARM":**

**18 USC § 921 (a)(3), (4).** Any weapon (including a starter gun) which will expel a projectile by means of an explosive or is designed or may be readily converted to do so. This includes the frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device. A **"destructive device"** includes any explosive, incendiary or poison gas — (i) bomb; (ii) grenade or (iii) similar device, or any combination of parts designed or intended for use in converting any device into a destructive device, or from which destructive device may be readily assembled.

**Does not include antique firearms.**

## **FOR INFORMATION OR QUESTIONS OR TO MAKE A REFERRAL FOR PROSECUTION, PLEASE CONTACT:**

**Bureau of Alcohol, Tobacco and Firearms**  
Montgomery, Alabama  
Phone 334-223-7507  
Fax: 334-223-7514

**United States Attorney's Office**  
Middle District of Alabama  
Phone: 334-223-7280

## **At this time we want to welcome the new 2003 Law Enforcement Coordinating Committee (LECC) Members**

Chief John Wilson  
Montgomery Police Dept.

Chief Frank M. deGraffenreid  
Auburn Police Dept.

Chief Frankie Lindsey  
Geneva Police Dept.

Chief Anthony Everage  
Troy Police Dept.

Sheriff Herbie Johnson  
Autauga County Sheriff's Office

Sheriff Jimmy Abbett  
Tallapoosa County Sheriff's Office

Sheriff Jay Jones  
Lee County Sheriff's Office

Sheriff Willie Vaugner  
Lowndes County Sheriff's Office

Honorable Randall Houston  
District Attorney, 19th Circuit

Honorable Eugenia Loggins  
District Attorney, 22nd Circuit

Honorable Rea Clark  
District Attorney, 5th Circuit

Larry Wright, Director  
Ala. Criminal Justice Info Center

SAC Tim Munson  
Federal Bureau of Investigation

SAC James Cavanaugh  
Bureau of Alcohol, Tobacco & Firearms

Marshal Jesse Seroyer  
U.S. Marshall's Office

SAC Chris Murphy  
U.S. Secret Service

Col. W. M. Coppage  
Director, Alabama Dept. of Public Safety

## **Welcome.**

**We also wish to thank those three members who served previously,**

Sheriff Tommy Boswell, Russell County Sheriff's Office; Tim Byrd, Dale County Sheriff's Office; and Bobby Timmons, Alabama Sheriff's Association.

**LAW ENFORCEMENT  
COORDINATING  
COMMITTEE , MIDDLE  
DISTRICT OF ALABAMA  
Bringing Law Enforcement  
Together  
Federal . State. Local**

LEURA GARRETT CANARY  
UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF ALABAMA  
ONE COURT SQUARE, SUITE 201  
P.O. BOX 197  
MONTGOMERY, ALABAMA 36101-0197  
Phone: 334-223-7280 Fax: 334-223-7560

FOR MORE INFORMATION  
PLEASE VISIT US AT  
[WWW.USDOJ.GOV/USAO/ALM](http://WWW.USDOJ.GOV/USAO/ALM)

***U.S. Attorney's***

***Message:***

*(continued from page 1)*

an extensive media campaign to raise awareness of federal gun laws and their consequences. We hope to begin airing public service announcements soon.

The Criminal Division, under the leadership of Criminal Chief Louis Franklin, has increased overall productivity as well. Already in the first six months of FY 2003-04, we have indicted more cases than in the entire FY 2002-03. This is due to the dedication and hard work of the criminal Assistant United States Attorneys. We recently added another criminal AUSA to our staff – Patricia Snyder, who was an AUSA in this office prior to spending 5 years in private practice in Florida. We welcome Patricia back to the office. We are proud but sad to report that AUSA Terry Moorer and Investigator Les Brown have been called to active military duty in Operation Iraqi Freedom and will be away from their civilian duties for one year. Please join us in keeping them and their families in your thoughts and prayers.

We hope to see as many of you as possible at the District LECC conference, which will be held in Opelika May 8-9. The details of the agenda and registration materials can be found on our website, [www.usdoj.gov/usao/alm](http://www.usdoj.gov/usao/alm)—look at LECC Conference.

Finally, I want to thank each of you for your support of this office. Much of the success we have enjoyed this year is directly attributable to the efforts of state and local law enforcement officers. Please let us know if we may do anything to help you do your job better. We look forward to our continued successful partnerships.

**Mark your Calendar**

- **LECC District Conference**  
May 8-9, Opelika, Alabama,  
Registration—\$50.00
- **Law Enforcement Protective Measures CDP**  
April 15, Eufaula—  
Beville Center 8:00-5:00  
\$20.00
- **Law Enforcement Protective Measures CDP**  
April 16, Andalusia  
Lurleen B. Wallace Jr.  
College  
8:00 a.m.—5:00 P.m.  
\$10.00
- **Alabama Chiefs of Police Conference** May 21-23,  
Dothan Alabama